

EXHIBIT A

**MOTION FOR EXTENSION OF TIME TO EFFECT SERVICE AND TO
VACATE ORDER SETTING PRELIMINARY PRETRIAL CONFERENCE**

**FRANKLIN COUNTY, OHIO
COURT OF COMMON PLEAS**

TANYA GERSH,

Plaintiff,

vs.

ANDREW ANGLIN, publisher of the
Daily Stormer,

Defendant.

Case No. 17-MS-000343

DECLARATION REGARDING SERVICE

I, David C. Dinielli, declare:

1. I am an attorney with the Southern Poverty Law Center and counsel for Tanya Gersh in an underlying federal action filed in the United States District Court for the District of Montana, Case No. 9:17-cv-50-DLC-JCL (the “federal action”). I have knowledge of the facts contained herein.

2. I am licensed to practice law in the state of California and authorized to represent Ms. Gersh in the federal action.

3. Plaintiff filed the federal action on April 18, 2017.

4. Plaintiff unsuccessfully attempted to personally serve Defendant Anglin under Federal Rule of Civil Procedure 4(e)(2)(A).

5. Plaintiff contacted the Franklin County Court of Common Pleas to attempt service on Defendant Anglin under Ohio state law pursuant to Federal Rule of Civil Procedure 4(e)(1) and the Ohio Rules of Civil Procedure.

6. The Franklin County Clerk of Court sua sponte assigned a case number to our communications as an administrative matter.

7. Defendant Anglin's residence is unknown.

8. On information or belief, Defendant Anglin is actively concealing his whereabouts.

9. Plaintiff nevertheless made diligent inquiry into Defendant's whereabouts and determined that there was a reasonable expectation that service could be accomplished at four addresses, each of which is located in Franklin County, Ohio:

a. Plaintiff reasonably believed that service could be accomplished at 7407 Brandshire Lane, Apartment B, Dublin, Ohio 43017, because public records databases list this as Defendant's most recently used residential address.

b. Plaintiff reasonably believed that service could be accomplished at 6827 N High Street, Suite 121, Worthington, Ohio 43085, because Defendant's company Moonbase Holdings, LLC, which operates under the trade name *The Daily Stormer*, is registered with the Ohio Secretary of State at this address. Defendant Anglin is registered as the company's agent at this address. This address has also been published on Defendant's website as Defendant's mailing address, and is or has been the address at which Defendant receives donations to operate *The Daily Stormer*. Public records available in an electronic database indicate Defendant Anglin may also be using this address for his voter registration as of October 11, 2016.

c. Plaintiff reasonably believed that service could be accomplished at 3827 N High Street, Suite 121, Worthington, Ohio 43085, because Defendant's business trade name, *The Daily Stormer*, is registered to Defendant at this address by the Ohio Secretary of State.

d. Plaintiff reasonably believed that service could be accomplished at 915 N High Street, Columbus, Ohio 43201, because Defendant Anglin is or was until recently registered to vote at this address. The address is not a valid street address.

10. On May 18, 2017, the Franklin County Clerk of Court sent the federal court summons and pleading via certified U.S. mail to Defendant Anglin at the four addresses listed in Paragraph 9, *supra*. The certified mailings were all returned as undeliverable and unclaimed:

a. Certified mail sent by the Clerk to Defendant at 7407 Brandshire Lane, Apartment B, Dublin, Ohio 43017 was returned undeliverable and marked “Moved – Left No Address” on June 6, 2017.

b. Certified mail sent by the Clerk to Defendant at 6827 N High Street, Suite 121, Worthington, Ohio 43085 was returned undeliverable and marked “Attempted – Unknown” on June 14, 2017.

c. Certified mail sent by the Clerk to Defendant at 3827 N High Street, Suite 121, Worthington, Ohio 43085 was returned undeliverable and marked “No Such Number” on June 9, 2017.

d. Certified mail sent by the Clerk to Defendant at 915 N High Street, Columbus, Ohio 43201 was returned undeliverable and marked “No Such Number” on June 6, 2017.

11. A written request for ordinary mail service under Ohio Rule of Civil Procedure 4.6(D) was sent to the Franklin County Clerk of Court on June 27, 2017.

12. Plaintiff also attempted on multiple occasions by telephone and email to contact Marc Randazza, a Nevada attorney, who reportedly told the Associated Press on June 9, 2017, that his firm would defend Defendant Anglin in the federal action. Mr. Randazza has not

responded to Plaintiffs' inquiries or otherwise confirmed his firm's representation of Defendant Anglin.

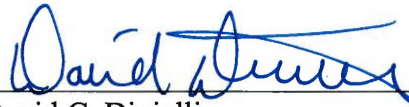
13. Defendant has not appeared or filed any responsive pleading in the federal action.

14. Plaintiff's attempts to effect service of process have been reasonably calculated, under all circumstances, to apprise Defendant Anglin of the pendency of the federal action and afford him an opportunity to present his objections. *See, e.g., Akron-Canton Reg'l Airport Auth. v. Swinehart*, 406 N.E.2d 811, 814 (Ohio 1980). However, Plaintiff is not certain of Defendant Anglin's residential address and cannot be sure Defendant is regularly and physically present at the addresses attempted by certified and ordinary mail service.

15. In order to most fully comply with the due process requirements for effecting service of process, Plaintiff wishes to effect service on Defendant Anglin by publication under Ohio Rule of Civil Procedure 4.4(A)(1).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this July 6, 2017.



David C. Dinielli
Attorney for Plaintiff Tanya Gersh

John Morrison
Robert Farris-Olsen
MORRISON, SHERWOOD,
WILSON, & DEOLA, PLLP
401 N. Last Chance Gulch St.
Helena, MT 59601
ph. (406) 442-3261
fax (406) 443-7294
john@mswdlaw.com
rfolsen@mswdlaw.com
Attorneys for Plaintiff Tanya Gersh

Morris Dees*
J. Richard Cohen*
David C. Dinielli*
SOUTHERN POVERTY LAW CENTER
400 Washington Avenue
Montgomery, AL 36104
ph. (334) 956-8200
fax (334) 956-8481
morris.dees@splcenter.org
richard.cohen@splcenter.org
david.dinielli@splcenter.org
Attorneys for Plaintiff Tanya Gersh
*Admitted *Pro Hac Vice* in the
U.S. District Court for the District of Montana